UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 January 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

FINAL ACTION

1.   This action is in response to amendment filed on 1/28/2008. Claims 1-20 are

presented for examination.

2.   The objection to Claim 3 is withdrawn in view of amendment.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-9 and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kirsch (US 7,206,814), in view of Bandini et al, (US 7,127,741), hereinafter

Bandini.

5.   As to claim 1, Kirsch discloses the invention as claimed, including a method for

classifying electronic mail message transfer requests for policy enforcement (col. 2,

lines 54-64, "categorize received e-mail messages") comprising the steps of:

        identifying a source of an incoming electronic message (col. 2, lines 54-64,

"sender could be identified by an email address, a single IP address");

        classifying said source (fig. 2, "whitelist, blacklist, unsolicited email"; col. 2, lines

54-64, "categorize received e-mail messages based on information about the sender");

and,

applying the message transfer policy to said incoming electronic message (fig. 2; col. 5, line 60 – col. 6, line 40, "if the sender is on the whitelist, the message is passed on to the recipient…if the sender is on a blacklist…the message will not accepted…").

6.   Although Kirsch discloses applying a message transfer policy based upon the classification (fig. 2 shows when the source is classified as a whitelist, the message transfer policy is applied to send to recipient 104, when the source is classified as a blacklist, the message transfer policy is applied to process according to recipients instruction's 108, when the source is classified as unsolicited email, the message transfer policy is applied to send to spam folder 116), and it would have been obvious that the message transfer policy has to be selected prior to apply the message transfer policy, Kirsch does not specifically disclose selecting a message transfer policy based upon the classification. Bandini discloses selecting a message transfer policy based upon the classification (figs. 3-4; col. 5, line 14 – col. 6, line 10, "email is prohibited from being sent, or sources from which email cannot be received…high priority messages can be passed through immediately"; col. 7, lines 6-33). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Kirsch and Bandini because Bandini's selecting a message transfer policy based upon the classification would allow the system to be easily applied the selected policies to users, as taught by Bandini (col. 7, lines 30-33).

7.   As to claim 2, Kirsch discloses wherein said identifying step comprises the step

of identifying a network address for said source (col. 2, lines 54-64, "sender could be

identified by an email address, a single IP address").

8.   As to claims 3 and 4, Kirsch discloses wherein said classifying step comprises

the step of classifying said source as one of a trusted source, a blocked source, and a

suspect source (col. 5, line 60 – col. 6, line 40, "sender is on the whitelist… sender is on

a blacklist").

9.   As to claim 5, Kirsch discloses wherein said classifying step further comprises

the step of classifying said source as a blocked source where said source appears in a

realtime black hole list (col. 5, line 60 – col. 6, line 40, "sender is on a blacklist").

10.   As to claim 6, Kirsch discloses wherein said classifying step further comprises

the step of classifying said source as a suspect source where said source appears in a

realtime black hole list (col. 13, lines 31-56, "new sender is placed…as suspected spam

folder").

11.   As to claim 7, Kirsch discloses classifying said source as an authenticated

source only where an authenticated connection has been established with said source

(col. 6, line 59 – col. 7, line 19; col. 9, lines 20-31, "the sender has a good reputation, in

which case the message will be passed"; col. 17, lines 46-52, "message is passed only

if the final IP address, final domain name, or IP path have never been used to pass

unwanted messages").

12.   As to claim 8, Kirsch discloses wherein said applying step comprises the step of

limiting transfer of messages from a source classified as suspect (col. 13, lines 51-56,

"new sender is placed…as suspected spam folder").

13.   As to claim 9, Kirsch discloses wherein said applying step comprises the step of

limiting transfer of messages from a source classified as anonymous (col. 13, lines 31-

56, "unknown senders").

14.   As to claim 12, it is rejected for the same reasons set forth in claim 1 above In

addition, Kirsch discloses a machine readable storage having stored thereon a

computer program (col. 3, line 62 – col. 4, line 65, "server is running software 26 for

handling e-mail messages").

15.   As to claim 13, it is rejected for the same reasons set forth in claim 2 above.

16.   As to claim 14, it is rejected for the same reasons set forth in claim 3 above.

17.   As to claim 15, it is rejected for the same reasons set forth in claim 4 above.

18.   As to claim 16, it is rejected for the same reasons set forth in claim 5 above.

19.   As to claim 17, it is rejected for the same reasons set forth in claim 6 above.

20.   As to claim 18, it is rejected for the same reasons set forth in claim 7 above.

21.   As to claim 19, it is rejected for the same reasons set forth in claim 8 above.

22.   As to claim 20, it is rejected for the same reasons set forth in claim 9 above.

23.   Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Aoki (US 7,224,778), in view of Bandini et al, (US 7,127,741), hereinafter Bandini.

24.   As to claim 10, Aoki discloses a system for classifying electronic mail message

transfer requests for policy enforcement (fig. 2) comprising:

        a mail server (22, fig. 1);

        a set of mail transfer policies, each policy having an association with a

corresponding source classification (fig. 2, "rule database to screen incoming

messages, approved ID code, approved sender address"; col. 5, line 40 – col. 6, line 3);

        at least one table of source identities having a particular classification (38, 39, fig.

1, "sender name, ID code name, source address, user address"; 60, 62, 112, fig. 2; col.

1, lines 32-47, "parameters stored in a database to block certain messages from

unauthorized sources"; col. 5, lines 27-39, "a listing of approved message source is

maintained"); and

a classifier (32, fig. 1; col. 5, lines 11-26, "filtering agent") coupled to said mail

server (22, fig. 1) and said at least one table (38, 40, 42, fig. 1), said classifier identifying

a source of an incoming electronic message in the mail server, classifying said source

with a classification in the at least one table, and applying the one of the mail transfer

policies to said incoming electronic message (col. 5, line 11 – col. 6, line 3, "filtering

agent to inspect each selected message...rules database 40 are used by the

subscription manager 32 to screen out as many unauthorized broadcast

messages...and prevent their delivery").

25.   Although Aoki discloses applying a message transfer policy based upon the

classification (col. 5, line 11 - col. 6, line 3, "prevent delivery message based upon

unauthorized source"), and it would have been obvious that the message transfer policy

has to be selected prior to apply the message transfer policy, Aoki does not specifically

disclose selecting a message transfer policy based upon the classification. Bandini

discloses selecting a message transfer policy based upon the classification (figs. 3-4;

col. 5, line 14 – col. 6, line 10, "email is prohibited from being sent, or sources from

which email cannot be received...high priority messages can be passed through

immediately"; col. 7, lines 6-33). It would have been obvious to one of ordinary skill in

the art at the time of the invention was made to combine the teachings of Aoki and

Bandini because Bandini's selecting a message transfer policy based upon the

classification would allow the system to be easily applied the selected policies to users, as taught by Bandini (col. 7, lines 30-33).

26.   As to claim 11, Aoki discloses wherein said at least one table comprises at least one table selected from the group consisting of a table of trusted sources, a table of authenticated sources, a table of suspect sources, a table of blocked sources, and a realtime black hole list (38, 39, fig. 1; 60, 62, 112, fig. 2; col. 1, lines 32-47, "parameters stored in a database to block certain messages from unauthorized sources"; col. 5, lines 27-39, "a listing of approved message source is maintained").

Conclusion

27.   Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

28.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

29.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 6:30-2:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jungwon Chang/
Primary Examiner, Art Unit 2154
April 11, 2008